IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA ANDERSON/GREENWOOD DIVISION

| Raymond Murphy, |) Civil Action No.: 8:07-2692-RBH-BHH |
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| Plaintiff, |)) |
| vs. Mr. McKie, Warden Kirkland Correctional Institution; and Ms. Henderson, Nurse Practitioner Kirkland C.I., | REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE)) |
| Defendants. | ,) |

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On October 25, 2007, the defendants filed a motion for summary judgment. By order of this court filed October 26, 2007, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately. Despite this explanation, the plaintiff elected not to respond to the motion.

As the plaintiff is proceeding *pro se*, the court filed a second order on December 5, 2007, giving the plaintiff through December 28, 2007, to file his response to the motion for summary judgment. The plaintiff was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. The plaintiff elected not to respond.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors

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outlined in Chandler Leasing Corp. v. Lopez, 669 F.2d 919, 920 (4th Cir.1982). See Ballard v. Carlson, 882 F.2d 93 (4th Cir. 1989).

s/Bruce Howe Hendricks United States Magistrate Judge

January 8, 2008 Greenville, South Carolina